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*Attorney for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FAIRFIELD PAGMA ASSOCIATES, LP, a New
York limited partnership, SEYMOUR KLEINMAN,
MARJORIE KLEINMAN, FAIRFOX, LLC, a New
York limited liability company, and SEYFAIR, LLC,
a New York limited liability company,

Defendants.

Adv. Pro. No. 10-05169 (SMB)

STIPULATION FOR SUBSTITUTION OF DEFENDANTS AND ORDER

WHEREAS, on December 3, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action (the “Action”) in the United States Bankruptcy Court for the Southern District of New York (the “Court”) against (i) Fairfield Pagma Associates, LP; (ii) Seymour Kleinman, (iii) Marjorie Kleinman, (iv) Fairfax, LLC, and (v) Seyfair, LLC, (collectively, “Defendants”) [Dkt. 1];

WHEREAS, Marjorie Kleinman (“Decedent”) died during the pendency of the Action;

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Defendants, Estate of Marjorie Kleinman a/k/a Marjorie Helene Kleinman (the “Estate”),¹ and Bonnie Joyce Kansler (“Kansler”) as executor of the Estate, as follows:

1. The Estate and Kansler as executor of the Estate are hereby substituted into the Action in place of Marjorie Kleinman, deceased, and the complaint filed in the Action on December 3, 2010 (the “Complaint”) shall be deemed so amended.

2. Defendants’ Joinder in Bonnie J. Kansler’s Motion for Mandatory Withdrawal of the Reference [Dkt. 13], Motion to Dismiss the Trustee’s Complaint [Dkts. 29 – 31], and Reply In Support of Their Motion to Dismiss [Dkt. 40] shall be deemed amended and treated as a joinder, motion, and reply by both the Estate and Kansler, and neither the Estate nor Kansler shall have any obligation to separately move to withdraw the reference and/or to dismiss the Action.

¹ *Probate Proceeding, Will of Marjorie Kleinman, a/k/a Marjorie Helene Kleinman*, in the Surrogate’s Court of the State of New York, New York County, File No. 2015 611.

3. The Clerk of the Court is hereby directed to amend the caption in the Action to remove Marjorie Kleinman and substitute the Estate and Kansler as executor of the Estate, as reflected on Exhibit A to this stipulation.

4. Undersigned counsel for the Estate and Kansler as executor of the Estate expressly represents that it has the authority to accept service of all pleadings and other papers on behalf of the Estate and Kansler as executor of the Estate.

5. Except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses they may have and agree that the entry into this stipulation shall not expand or affect any rights they do not otherwise have.

This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this stipulation shall be deemed an original.

Dated: April 6, 2015
New York, New York

Of Counsel:

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Substantively Consolidated SIPA Liquidation of
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and for the Estate of Bernard L. Madoff*

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Attorneys for Defendants

SO ORDERED.

Dated: April 7th, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT “A”

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York limited partnership, SEYMOUR KLEINMAN,
ESTATE OF MARJORIE KLEINMAN A/K/A
MARJORIE HELENE KLEINMAN, BONNIE
JOYCE KANSLER, as executor, FAIRFOX, LLC, a
New York limited liability company, and SEYFAIR,
LLC, a New York limited liability company,

Defendants.

Adv. Pro. No. 10-5169 (SMB)